

Revised 12/09

**MINUTES OF CRIMINAL PROCEEDINGS  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA

vs.

BRIAN NEWELLDate: 12/13/18Case No. 5:18CR00250-001Judge: James S. GwinCourt Reporter: G. StaiduharPts/Prob Officer: B. Fabian

Interpreter: \_\_\_\_\_

Date of Arrest: \_\_\_\_\_

U.S. Attorney: Robert E. Bulford, Jr.Attorney for Defendant(s): Donald J. Malarcik, Jr.CJA Apt: \_\_\_\_\_ ☒ \_\_\_\_\_

Fed. Defender: \_\_\_\_\_

Retained: \_\_\_\_\_

**ARRAIGNMENT:**

Defendant arraigned, plea of        GUILTY        NOT GUILTY        NOLO CONTENDERE entered as to count(s) \_\_\_\_\_  
\_\_\_\_\_ of the        Indictment        Information.

**CHANGE OF PLEA:**

Defendant Plea of NOT GUILTY withdrawn, plea of        GUILTY        NOLO CONTENDERE entered as to count(s) \_\_\_\_\_  
\_\_\_\_\_ of the        Indictment        Information.

- ☐ ☐ Plea agreement executed.
- ☐ ☐ The Court adopts the R&R of the Magistrate Judge and finds there is a factual basis for the acceptance of the guilty plea.
- ☐ ☐ Bond \$ \_\_\_\_\_ ☐ set ☐ continued ☐ detention ☐ remanded to the custody of U.S. Marshal.
- ☐ ☐ Motion of government for detention pending trial. Detention Hearing set for: \_\_\_\_\_.
- ☐ ☐ Defendant referred to the Probation Office for Pre-sentence Investigation.
- ☐ ☐ Jury Trial scheduled for: \_\_\_\_\_
- ☐ ☐ Pretrial Conference scheduled for: \_\_\_\_\_
- ☐ ☐ Sentencing scheduled for: \_\_\_\_\_

**SENTENCE:**

Defendant committed to the custody of the Bureau of Prisons for a period of 8 months on count(s) 3  
of the   X   Indictment        Information to run ☐ concurrent ☐ consecutively.

Period of 3 years of supervised release with standard/special conditions as ordered (see reverse side of form).

Fined the sum of \$ \_\_\_\_\_ ☒ Fine Waived

Restitution in the amount of \$ \_\_\_\_\_ Payable to: \_\_\_\_\_ Not Ordered.

I.S.S., Probation ordered for a period of \_\_\_\_\_ months \_\_\_\_\_ years on count(s) \_\_\_\_\_  
       Indictment        Information with standard/special conditions as ordered (see reverse side of form).

The defendant is to pay a special assessment of \$ 100 on counts 3. Total \$ 100.

Upon motion of U.S. Attorney, counts(s) 1-2 of the Indictment/Information are hereby dismissed.

The execution of the sentence of imprisonment is deferred and the bond continued until \_\_\_\_\_, at which time the defendant shall surrender to the United States Marshal for this district, or the designated institution.

☐ ☐ Bond is revoked and the defendant is remanded to the custody of the U.S. Marshal.

- ☒ The defendant shall not commit another federal, state or local crime, shall not illegally possess a controlled substance, shall comply with the standard conditions that have been adopted by this court, and shall comply with any additional conditions.
- ☒ The defendant shall refrain from unlawful use of a controlled substance and submit to one drug test within 15 days of the commencement of supervision and to at least two periodic drug tests thereafter, as determined by the pretrial services and probation officer.
- ☒ The defendant shall participate in an approved program of outpatient, inpatient or detoxification substance abuse treatment, which will include drug and alcohol testing to determine if the defendant has reverted to substance abuse.
- ☒ The defendant shall not possess a firearm, destructive device or any dangerous weapon.
- ☐ The defendant shall provide the probation office access to any requested financial information.
- ☐ The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- ☐ Financial Windfall Condition.
- ☐ Gambling Condition.
- ☐ The defendant shall enter an adult program and work toward a Certificate of General Educational Development (GED).
- ☐ Special Employment. The defendant shall comply with the Offender Employment Policy which may include participation in training, counseling, and/or daily job search as directed by the pretrial services and probation officer.
- ☒ The defendant shall participate in the Location Monitoring Program for a period of 8 months, to commence no later than 30 calendar days from sentencing.
- ☒ Search and Seizure. The defendant shall submit his/her person, residence, place of business, computer, or vehicle to a warrantless search, conducted and controlled by the U.S. Probation Officer.
- ☐ Sex Offender Registration and Notification Act (Adam Walsh Act)
- ☒ Mental Health Treatment. The defendant shall participate in an outpatient mental health treatment program.
- ☐ Cognitive Behavioral Program.
- ☐ Community Service. The defendant shall perform        hours of community service as directed by the probation officer.
- ☐ Gang. The defendant shall not associate with any members of a gang or threat group as directed by the probation officer.
- ☐ Deportation. The defendant shall surrender to the Bureau of Immigration and Customs Enforcement, U.S. Department of Homeland Security for deportation, and shall not illegally re-enter or remain in the United States.
- ☒ DNA Collection.
- ☐ Denial of Federal Benefits.
- ☐ Sex Offender.
- ☐ Computer/Internet. Total Prohibition on Access to a Computer Internet.
- ☐ Computer/Internet Restricted.
- ☐ Computer/Internet Access Permitted. The defendant shall abide by all rules of the Computer Restriction and Monitoring Program.
- ☐ Computer Search Only.
- ☐ Computer Employment Restriction.
- ☐ Recommendation to the Bureau of Prisons: \_\_\_\_\_.
- ☒ The defendant is granted credit for time already served in relation to this matter.
- ☒ The defendant advised of his/her appeal rights.

COMMENTS: As an additional condition of supervised release, defendant shall stay in compliance with the medication regime prescribed by his treating physician.